



Crl.O.P.No.17573 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 147, 148 & 506(i) of I.P.C, in Crime No. 233 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st accused / A.K.Venkatesan @ Venkima (Transgender), who is residing opposite to the defacto complainant, has approached the defacto complainant for help; stating that the Income Tax Department has ceased her money deposited in Indian Bank worth of Rs.1,30,00,000/- due to non payment of tax, if she paid a sum of Rs.3,80,000/- to the IT Department, she will be able to withdraw the said amount and hence, she borrowed a sum of Rs.3,80,000/- from the defacto complainant but not returned as she said and subsequently she borrowed a sum of Rs.42,00,000/- from 01.10.2022 to 31.12.2022 and thereafter, she refused to return the said amount. When the defacto complainant questioned the same, the petitioner along with



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other accused threatened the defacto complainant with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is no way connected with the alleged offence and A1 and A2 in this case have been granted anticipatory bail by this Court in Crl.O.P.No.10461 of 2023 on 07.05.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are totally five accused in this case in which, the petitioner is arrayed as 5th accused. The 1st accused, who is residing opposite to the defacto complainant has received a sum of Rs.42,00,000/- from the defacto complainant periodically and refused to return the same and thereby cheated the defacto complainant, when the defacto complainant questioned the same, the petitioner and along with other accused



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threatened the defacto complainant with dire consequences. He would further submitted that A1 and A2 were already granted anticipatory bail by this Court. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the 1st and 2nd accused in this case have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate I, Tambaram**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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